



**Billing Code: 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

**Docket No. 160516426-6426-01**

**RIN 0648-XE632**

**Revisions to Framework Adjustment 55 to the Northeast Multispecies Fishery**

**Management Plan and Sector Annual Catch Entitlements; Updated Annual Catch**

**Limits for Sectors and the Common Pool for Fishing Year 2016**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; adjustment to specifications.

**SUMMARY:** We, NMFS, are adjusting the 2016 fishing year sub-annual catch limits for commercial groundfish vessels, including sector allocations based on the final Northeast multispecies sector rosters submitted as of May 1, 2016. The revisions to 2016 catch limits are necessary to account for changes in the number of participants electing to fish in either sectors or the common pool fishery. These adjustments are routine and formulaic, and are required to match allocations to sector enrollment.

**DATES:** Effective [Insert date of publication in the Federal Register], through April 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Aja Szumylo, Fishery Policy Analyst, (978) 281-9195.

**SUPPLEMENTARY INFORMATION:** We recently approved Framework Adjustment 55, which set annual catch limits for groundfish stocks and three jointly managed U.S./Canada stocks for the 2016 fishing year. This action became effective on May 1, 2016 (81 FR 26412). Framework 55 included allocations for the 19 sectors approved to operate in 2016 based on enrollment as of March 15, 2016. A sector receives an allocation of each stock, or annual catch entitlement (referred to as ACE, or allocation), based on its members' catch histories. State-operated permit banks also receive an allocation that can be transferred to qualifying sector vessels. The sum of all sector and state-operated permit bank allocations is referred to as the sector sub-annual catch limit (sub-ACL). The groundfish allocations remaining after sectors and state-operated permit banks receive their allocations are then allocated to the common pool (i.e., vessels not enrolled in a sector), which is referred to as the common pool sub-ACL.

This rule adjusts the 2016 fishing year sector and common pool allocations based on final sector membership as of May 1, 2016. Permits enrolled in a sector and the vessels associated with those permits have until April 30, the last day prior to the beginning of a new fishing year, to withdraw from a sector and fish in the common pool. As a result, the actual sector enrollment for the new fishing year is unknown when the final specifications are published and sector enrollment from an earlier date is used until final enrollment is known. Consistent with regulatory requirements, each year we subsequently publish an adjustment rule modifying sector and common pool allocations based on final sector enrollment. The Framework 55 proposed and final rules both explained that sector enrollments may change and that there would be a need to adjust the sub-ACLs and sector ACEs accordingly.

Adjustments to sector ACEs and the sub-ACLs for sectors and the common pool are typically minimal as there has been little change in sector enrollment since 2010. Vessels currently enrolled in sectors have accounted for approximately 99 percent of the historical groundfish landings. This year's sector final rule specified sector ACEs based on the 837 permits enrolled in sectors on March 15, 2016. As of May 1, 2016, there were 841 Northeast multispecies permits enrolled in sectors, which means four additional permits elected to join sectors for the 2016 fishing year. Tables 1, 2, and 3 explain the revised 2016 fishing year allocations. Table 4 compares the allocation changes between the Framework 55 final rule and this adjustment rule.

This rulemaking also corrects transcription errors in the 2016-2018 Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder ACLs published in the Framework 55 final rule. Specifically, there were errors in the total groundfish fishery sub-ACL, the sector and common pool sub-ACLs, and the scallop fishery sub-ACL. Table 5 presents both the incorrect values presented in the Framework 55 final rule, as well as the corrected values. Although the values were listed incorrectly in the Framework 55 final rule, the total fishery ACLs for SNE/MA yellowtail flounder (255 mt) were listed correctly for all three years. In addition, the Environmental Assessment and supporting analysis for Framework 55 included the correct values. These adjustments are minor, and will not affect fishery operations.

**Table 1. Final Sector Enrollment and Percentage (%) of ACE for Each Sector, by Stock for Fishing Year 2016<sup>1</sup>**

Sector Name	MRI Count	GB Cod	GOM Cod	GB Haddock	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	American Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	115	28.55	2.61	6.34	1.87	0.01	0.37	3.04	0.98	2.14	0.03	13.46	2.34	2.79	5.73	7.42
MCCS	47	0.25	5.82	0.04	2.86	0	0.77	0.93	7.57	5.07	0.01	1.85	0.32	2.92	5.82	5.81
MPB	11	0.13	1.15	0.04	1.12	0.01	0.03	0.32	1.16	0.73	0	0.43	0.02	0.82	1.65	1.69
NCCS	27	0.18	0.99	0.14	0.39	0.84	0.72	0.8	0.31	0.3	0.05	1.34	0.29	0.46	0.86	0.52
NEFS 1	3	0	0.03	0	0	0	0	0.04	0.01	0.01	0	0.05	0	0	0	0
NEFS 2	84	5.77	19.48	10.64	17.76	1.86	1.73	19.8	9.51	13.54	3.21	19.34	3.5	15.04	6.93	12.95
NEFS 3	66	0.88	12.19	0.1	7.56	0.04	0.07	7.1	2.23	1.78	0.01	7.71	0.42	0.91	3.59	4.97
NEFS 4	50	4.14	9.6	5.34	8.27	2.16	2.35	5.46	9.29	8.49	0.69	6.24	1.28	6.64	8.06	6.16
NEFS 5	30	0.55	0	0.86	0	1.35	23.28	0.21	0.46	0.62	0.47	0.02	13.5	0.02	0.11	0.05
NEFS 6	22	2.87	2.96	2.92	3.86	2.7	5.26	3.73	3.89	5.2	1.5	4.55	1.94	5.31	3.91	3.31
NEFS 7	20	1.25	0.8	1.35	0.59	3.41	2.47	2.27	0.74	0.94	1.28	2.38	0.8	0.36	0.56	0.45
NEFS 8	18	6.59	0.16	6.11	0.08	10.64	5.21	2.93	2.19	2.6	21.18	0.71	9.02	0.55	0.51	0.64
NEFS 9	60	13.17	3.01	11.24	7.39	25.19	8.71	10.61	9.71	9.41	32.56	2.94	17.94	9.05	6.38	6.36
NEFS 10	27	0.34	2.41	0.16	1.36	0	0.53	4.54	1.1	1.75	0.01	9.22	0.5	0.33	0.62	0.7
NEFS 11	52	0.41	12.4	0.04	3.05	0	0.02	2.4	2.1	2.04	0	2.12	0.02	1.97	4.73	9.01
NEFS 12	19	0.63	2.98	0.09	1.05	0	0.01	7.95	0.5	0.57	0	7.65	0.22	0.23	0.3	0.82
NEFS 13	60	12.11	0.91	19.95	1.04	34.49	21	8.51	8.38	9.14	17.8	3.01	16.54	4.23	2.07	2.59
NHPB	4	0	1.14	0	0.03	0	0	0.02	0.03	0.01	0	0.06	0	0.02	0.08	0.11
SHS 1	34	3.28	7.03	3.08	5.88	1.21	0.6	5.55	6.61	5.73	6.02	7.11	2.39	6.56	9.49	8.34
SHS 2	15	0.29	0.35	0.4	0.07	2.21	2.24	1.14	0.72	0.62	0.46	1.33	1.11	0.26	0.34	0.27
SHS 3	77	16.73	10.8	30.49	34.7	12.4	7.46	8.39	30.82	27.18	13.91	3.42	17.29	40.99	37.49	27.2
<b>All Sectors</b>	<b>841</b>	<b>98.12</b>	<b>96.82</b>	<b>99.3</b>	<b>98.9</b>	<b>98.54</b>	<b>82.83</b>	<b>95.75</b>	<b>98.3</b>	<b>97.9</b>	<b>99.2</b>	<b>94.96</b>	<b>89.42</b>	<b>99.5</b>	<b>99.2</b>	<b>99.4</b>
<b>Common</b>	<b>634</b>	<b>1.88</b>	<b>3.18</b>	<b>0.66</b>	<b>1.06</b>	<b>1.46</b>	<b>17.17</b>	<b>4.25</b>	<b>1.7</b>	<b>2.14</b>	<b>0.8</b>	<b>5.04</b>	<b>10.58</b>	<b>0.55</b>	<b>0.76</b>	<b>0.63</b>

Georges Bank Cod Fixed Gear Sector (FGS), Maine Coast Community Sector (MCCS), Maine Permit Bank (MPB), New Hampshire Permit Bank (NHPB), Northeast Coastal Communities Sector (NCCS), Northeast Fishery Sectors (NEFS), and Sustainable Harvest Sector (SHS)

<sup>1</sup>All ACE values for sectors outlined in Table 1 assume that each sector permit is valid for fishing year 2016.

**Table 2. Final ACE, for Each Sector, by Stock for Fishing Year 2016 (mt)<sup>1,2</sup>**

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	39	134	7	962	2,314	45	0	1	10	12	8	0	86	14	266	198	1,322
MCCS	0	1	16	6	16	69	0	1	3	90	19	0	12	2	278	201	1,035
MPB	0	1	3	7	16	27	0	0	1	14	3	0	3	0	78	57	302
NCCS	0	1	3	21	50	9	2	1	3	4	1	0	9	2	43	30	92
NEFS 1	-	-	0	-	-	0	-	-	0	0	0	0	0	0	-	-	-
NEFS 2	8	27	55	1,614	3,884	429	4	3	68	113	50	19	124	20	1,433	240	2,307
NEFS 3	1	4	34	15	36	183	0	0	24	26	7	0	49	2	87	124	885
NEFS 4	6	19	27	809	1,947	200	5	4	19	110	31	4	40	7	633	279	1,098
NEFS 5	1	3	0	130	313	0	3	44	1	5	2	3	0	79	2	4	9
NEFS 6	4	13	8	444	1,067	93	6	10	13	46	19	9	29	11	506	135	589
NEFS 7	2	6	2	205	494	14	7	5	8	9	3	8	15	5	34	19	81
NEFS 8	9	31	0	927	2,230	2	22	10	10	26	10	125	5	53	53	18	114
NEFS 9	18	62	8	1,706	4,104	179	53	16	36	115	35	192	19	105	862	221	1,133
NEFS 10	0	2	7	25	60	33	0	1	15	13	6	0	59	3	31	22	124
NEFS 11	1	2	35	6	14	74	0	0	8	25	8	0	14	0	188	164	1,606
NEFS 12	1	3	8	14	34	25	0	0	27	6	2	0	49	1	22	10	147
NEFS 13	17	57	3	3,027	7,282	25	73	40	29	99	34	105	19	97	403	72	462
NHPB	0	0	3	0	0	1	0	0	0	0	0	0	0	0	2	3	20
SHS 1	5	15	20	467	1,124	142	3	1	19	78	21	36	45	14	625	328	1,485
SHS 2	0	1	1	61	147	2	5	4	4	9	2	3	8	6	25	12	48
SHS 3	23	79	30	4,625	11,126	838	26	14	29	365	101	82	22	101	3,904	1,297	4,846
<b>Sector Total</b>	<b>135</b>	<b>461</b>	<b>271</b>	<b>15,070</b>	<b>36,257</b>	<b>2,390</b>	<b>208</b>	<b>157</b>	<b>327</b>	<b>1,163</b>	<b>362</b>	<b>585</b>	<b>607</b>	<b>523</b>	<b>9,474</b>	<b>3,433</b>	<b>17,704</b>
<b>Common Pool</b>	<b>3</b>	<b>9</b>	<b>9</b>	<b>100</b>	<b>240</b>	<b>26</b>	<b>3</b>	<b>32</b>	<b>14</b>	<b>20</b>	<b>8</b>	<b>5</b>	<b>32</b>	<b>62</b>	<b>52</b>	<b>26</b>	<b>113</b>

<sup>1</sup>All ACE values for sectors outlined in Table 2 assume that each sector permit is valid for fishing year 2016.

<sup>2</sup>These values do not include any potential ACE carryover or deductions from fishing year 2015 sector ACE underages or overages.

**Table 3. Final ACE for Each Sector by Stock for Fishing Year 2016 (1,000 lb)<sup>1,2</sup>**

Sector Name	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	87	296	16	2,120	5,102	100	0	2	23	26	17	0	190	30	585	437	2,915
MCCS	1	3	36	14	34	152	0	3	7	197	41	0	26	4	612	444	2,282
MPB	0	1	7	15	36	60	0	0	2	30	6	0	6	0	173	126	665
NCCS	1	2	6	46	111	21	4	3	6	8	2	1	19	4	96	65	202
NEFS 1	-	-	0	-	-	0	-	-	0	0	0	0	1	0	-	-	-
NEFS 2	18	60	120	3,559	8,563	946	9	7	149	248	110	42	272	45	3,159	529	5,087
NEFS 3	3	9	75	33	80	403	0	0	53	58	15	0	109	5	191	274	1,952
NEFS 4	13	43	59	1,784	4,293	441	10	10	41	242	69	9	88	17	1,395	614	2,420
NEFS 5	2	6	0	286	689	0	6	97	2	12	5	6	0	174	5	9	19
NEFS 6	9	30	18	978	2,352	205	13	22	28	101	42	20	64	25	1,115	299	1,298
NEFS 7	4	13	5	452	1,088	31	16	10	17	19	8	17	34	10	75	43	179
NEFS 8	20	68	1	2,043	4,916	4	49	22	22	57	21	275	10	116	116	39	251
NEFS 9	40	136	19	3,760	9,047	394	117	36	80	253	77	423	41	231	1,901	486	2,499
NEFS 10	1	4	15	55	132	73	0	2	34	29	14	0	130	6	68	47	274
NEFS 11	1	4	77	12	30	163	0	0	18	55	17	0	30	0	414	361	3,540
NEFS 12	2	7	18	31	76	56	0	0	60	13	5	0	108	3	48	23	324
NEFS 13	37	125	6	6,673	16,054	55	160	88	64	219	75	231	42	213	889	158	1,018
NHPB	0	0	7	0	0	2	0	0	0	1	0	0	1	0	4	6	44
SHS 1	10	34	43	1,030	2,479	313	6	2	42	172	47	78	100	31	1,377	724	3,274
SHS 2	1	3	2	134	323	4	10	9	9	19	5	6	19	14	55	26	105
SHS 3	51	173	67	10,196	24,530	1,848	58	31	63	804	222	181	48	223	8,607	2,859	10,683
<b>Sector Total</b>	<b>299</b>	<b>1,017</b>	<b>598</b>	<b>33,225</b>	<b>79,934</b>	<b>5,270</b>	<b>458</b>	<b>345</b>	<b>720</b>	<b>2,564</b>	<b>798</b>	<b>1,290</b>	<b>1,338</b>	<b>1,153</b>	<b>20,887</b>	<b>7,568</b>	<b>39,031</b>
<b>Common Pool</b>	<b>6</b>	<b>20</b>	<b>20</b>	<b>220</b>	<b>528</b>	<b>56</b>	<b>7</b>	<b>72</b>	<b>32</b>	<b>44</b>	<b>17</b>	<b>10</b>	<b>71</b>	<b>137</b>	<b>115</b>	<b>58</b>	<b>249</b>

<sup>1</sup>All ACE values for sectors outlined in Table 3 assume that each sector permit is valid for fishing year 2016.

<sup>2</sup>These values do not include any potential ACE carryover or deductions from fishing year 2015 sector ACE underages or overages.

**Table 4. ACE Comparison Between Framework 55 Final Rule and Adjustment Rule (mt)**

	<b>GB Cod East</b>	<b>GB Cod West</b>	<b>GOM Cod</b>	<b>GB Haddock East</b>	<b>GB Haddock West</b>	<b>GOM Haddock</b>	<b>GB Yellowtail Flounder</b>	<b>SNE/MA Yellowtail Flounder</b>	<b>CC/GOM Yellowtail Flounder</b>	<b>Plaice</b>	<b>Witch Flounder</b>	<b>GB Winter Flounder</b>	<b>GOM Winter Flounder</b>	<b>SNE/MA Winter Flounder</b>	<b>Redfish</b>	<b>White Hake</b>	<b>Pollock</b>
Total ACE	138	470	280	15,170	36,497	2,416	211	189	341	1,183	370	590	639	585	9,526	3,459	17,817
Common Pool ACE from Final Rule	3	9	7	99	239	23	3	33	14	20	8	5	32	63	48	23	102
Adjusted Common Pool Allocation	3	9	9	100	240	26	3	32	14	20	8	5	32	62	52	26	113
Sector ACE from Final Rule	135	461	273	15,071	36,258	2,393	208	156	327	1,163	362	585	607	522	9,478	3,436	17,715
Adjusted Sector Allocation	135	461	271	15,070	36,257	2,390	208	157	327	1,163	362	585	607	523	9,474	3,433	17,704
% ACE Moved from Sectors to Common Pool	0.0%	0.0%	-0.6%	0.0%	0.0%	-0.1%	0.0%	0.2%	-0.3%	0.0%	-0.1%	0.0%	-0.1%	0.1%	0.0%	-0.1%	-0.1%

**Table 5. Corrected Fishing Year 2016-2016 SNE/MA yellowtail flounder Catch limits (mt)**

	2016		2017		2018	
	Framework 55 Final Rule sub-ACL	Corrected sub-ACL	Framework 55 Final Rule sub-ACL	Corrected sub-ACL	Framework 55 Final Rule sub-ACL	Corrected sub-ACL
Total groundfish fishery	182	189	187	187	179	186
Sector	145	150	145	149	142	148
Common Pool	37	39	37	39	37	38
Scallop Fishery	39	32	39	34	38	37

We have completed 2015 fishing year data reconciliation with sectors and determined final 2015 fishing year sector catch and the amount of allocation that sectors may carry over from the 2015 to the 2016 fishing year. With the exception of Georges Bank yellowtail flounder, a sector may carry over up to 10 percent of unused ACE for each stock from the end of 2015 to 2016. Table 6 includes the maximum amount of allocation that sectors may carry over from the 2015 to the 2016 fishing year. Because the amount of unused ACE combined with the overall sector sub-ACL may not exceed the acceptable biological catch (ABC) for each stock, the unused ACE is adjusted down when necessary to ensure the combined carryover of unused ACE and the sector sub-ACL do not exceed each stock's ABC.

Table 7 includes the *de minimis* amount of carryover for each sector for the 2016 fishing year. If the overall ACL for any allocated stock is exceeded for the 2016 fishing year, the allowed carryover harvested by a sector, minus the pounds the sector's *de minimis* amount, will be counted against its allocation to determine whether an overage subject to an accountability measure occurred. Tables 8 and 9 list the final ACE available to sectors for the 2016 fishing



year, including finalized carryover amounts for each sector, as adjusted down when necessary to equal each stocks ABC.

**Table 6. Finalized Carryover ACE from Fishing Year 2015 to Fishing Year 2016 (lb)<sup>1,2</sup>**

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	-	18,281	1,187	-	276,337	3,892	-	125	1,272	2,382	277	11	10,731	1,819	30,723	23,447	156,976
MCCS	-	159	2,096	-	1,859	4,939	-	223	439	12,187	2,357	2	1,565	149	28,033	18,077	80,574
NCCS	-	137	411	-	6,606	828	-	243	260	747	70	21	737	222	5,061	3,531	10,923
NEFS 1	-	0	3	-	0	2	-	0	4	7	2	0	6	0	0	0	0
NEFS 2	-	4,338	8,341	-	512,423	34,739	-	0	7,894	17,718	5,867	1,290	14,483	2,484	165,095	24,875	251,843
NEFS 3	-	857	6,239	-	6,837	18,875	-	138	3,561	4,919	1,327	10	7,318	586	14,445	18,551	128,649
NEFS 4	-	3,159	4,374	-	255,884	17,458	-	795	2,288	10,255	2,128	130	4,975	997	74,429	33,141	130,587
NEFS 5	-	245	8	-	41,187	278	-	7,004	86	537	257	174	13	9,594	234	417	1,978
NEFS 6	-	2,187	1,348	-	140,185	8,139	-	1,783	1,564	7,411	2,425	604	3,629	1,510	59,505	16,090	70,050
NEFS 7	-	3,504	373	-	216,256	1,465	-	1,467	1,826	8,986	1,710	4,125	2,396	3,793	6,818	3,610	16,070
NEFS 8	-	4,493	81	-	281,280	162	-	1,841	1,809	3,759	987	6,054	830	7,610	5,945	1,890	12,116
NEFS 9	-	10,727	753	-	556,305	9,946	-	2,677	4,368	20,134	3,856	15,902	1,952	14,297	63,767	16,832	82,475
NEFS 10	-	561	2,465	-	12,063	5,464	-	185	5,467	4,157	1,116	4	14,425	568	6,147	3,765	30,979
NEFS 11	-	62	6,100	-	1,828	6,788	-	6	935	2,431	965	1	1,792	16	22,248	19,883	200,715
NEFS 12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NEFS 13	-	6,066	383	-	765,922	905	-	6,297	1,987	11,390	2,876	2,910	1,640	8,421	44,626	7,181	48,280
SHS1	-	917	1,978	-	107,254	8,316	-	147	1,179	6,051	1,155	2,311	4,032	641	47,821	20,039	83,849
SHS2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SHS3	-	14,847	7,014	-	1,570,086	82,132	-	3,515	4,735	23,606	14,506	6,125	4,422	15,627	529,609	189,904	761,865
<b>Total</b>	<b>-</b>	<b>70,540</b>	<b>43,154</b>	<b>-</b>	<b>4,752,312</b>	<b>204,328</b>	<b>-</b>	<b>26,446</b>	<b>39,674</b>	<b>136,677</b>	<b>41,881</b>	<b>39,674</b>	<b>74,946</b>	<b>68,334</b>	<b>1,104,506</b>	<b>401,233</b>	<b>2,067,929</b>

<sup>1</sup>NEFS 12 and SHS 2 did not operate in fishing year 2015; therefore, these sectors cannot carry over ACE from fishing year 2015, denoted by a “-”.

<sup>2</sup>GB cod and GB haddock ACE are carried over as Western ACE of the respective stock to comply with the U.S./Canada sharing agreement. Similarly, GB yellowtail flounder cannot be carried over. Therefore, there is no carryover for Eastern GB cod and haddock, denoted by a “-”.

**Table 7. *De Minimis* Carryover ACE from Fishing Year 2015 to Fishing Year 2016 (lb)<sup>1,2</sup>**

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	-	3,827	161	-	72,220	998	-	15	228	255	175	4	1,897	301	5,854	4,369	29,149
MCCS	-	34	359	-	486	1,523	-	32	70	1,974	413	1	261	41	6,123	4,441	22,820
NCCS	-	24	61	-	1,569	209	-	30	60	80	24	7	189	37	957	655	2,025
NEFS 1	-	0	2	-	0	1	-	0	3	2	1	0	6	0	0	0	0
NEFS 2	-	773	1,203	-	121,220	9,458	-	0	1,489	2,481	1,104	417	2,724	451	31,590	5,288	50,865
NEFS 3	-	118	752	-	1,127	4,029	-	3	534	580	145	2	1,087	54	1,915	2,741	19,517
NEFS 4	-	555	592	-	60,770	4,405	-	98	411	2,422	693	90	879	165	13,949	6,144	24,202
NEFS 5	-	73	0	-	9,756	2	-	970	16	120	50	61	3	1,741	46	87	192
NEFS 6	-	385	183	-	33,302	2,054	-	219	281	1,015	425	196	642	250	11,153	2,985	12,983
NEFS 7	-	168	50	-	15,406	314	-	103	170	193	76	167	336	104	750	426	1,785
NEFS 8	-	883	10	-	69,594	43	-	217	220	571	212	2,755	100	1,163	1,163	392	2,512
NEFS 9	-	1,765	186	-	128,075	3,936	-	363	798	2,531	768	4,235	414	2,314	19,009	4,864	24,986
NEFS 10	-	46	149	-	1,873	727	-	22	342	288	143	1	1,299	64	683	475	2,739
NEFS 11	-	54	765	-	424	1,625	-	1	181	547	167	0	299	3	4,138	3,607	35,398
NEFS 12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
NEFS 13	-	1,623	56	-	227,262	553	-	875	639	2,186	746	2,315	425	2,133	8,892	1,577	10,184
SHS1	-	440	434	-	35,094	3,132	-	25	418	1,724	468	783	1,001	308	13,774	7,240	32,742
SHS2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SHS3	-	2,243	667	-	347,254	18,480	-	311	631	8,038	2,217	1,809	482	2,229	86,074	28,586	106,835
<b>Total</b>	<b>-</b>	<b>13,011</b>	<b>5,630</b>	<b>-</b>	<b>1,125,432</b>	<b>51,489</b>	<b>-</b>	<b>3,284</b>	<b>6,491</b>	<b>25,007</b>	<b>7,827</b>	<b>12,843</b>	<b>12,044</b>	<b>11,358</b>	<b>206,070</b>	<b>73,877</b>	<b>378,934</b>

<sup>1</sup>NEFS 12 and SHS 2 did not operate in fishing year 2015; therefore, these sectors do not have *de minimis* carryover ACE from fishing year 2015, denoted by a “-”.

<sup>2</sup>GB cod and GB haddock ACE are carried over as Western ACE of the respective stock to comply with the U.S./Canada sharing agreement. Similarly, GB yellowtail flounder cannot be carried over. Therefore, there is no carryover for Eastern GB cod and haddock, denoted by a “-”.

**Table 8. Total ACE Available to Sectors in Fishing Year 2016 with Finalized Carryover (mt)**

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	39	142	8	962	2,439	47	0	1	11	13	8	0	91	15	279	209	1,393
MCCS	0	1	17	6	16	71	0	2	3	95	20	0	13	2	290	210	1,072
MPB	0	1	3	7	16	27	0	0	1	14	3	0	3	0	78	57	302
NCCS	0	1	3	21	53	10	2	1	3	4	1	0	9	2	46	31	97
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEFS 2	8	29	58	1,614	4,116	445	4	3	71	121	53	20	130	22	1,508	251	2,421
NEFS 3	1	5	37	15	39	191	0	0	26	29	7	0	53	3	93	133	944
NEFS 4	6	21	29	809	2,063	208	5	5	20	115	32	4	42	8	666	294	1,157
NEFS 5	1	3	0	130	331	0	3	47	1	6	2	3	0	83	2	4	10
NEFS 6	4	14	9	444	1,131	97	6	11	13	49	20	9	31	12	533	143	621
NEFS 7	2	7	2	205	592	15	7	5	9	13	4	9	16	6	37	21	88
NEFS 8	9	33	0	927	2,357	2	22	11	11	28	10	128	5	56	55	19	119
NEFS 9	18	67	9	1,706	4,356	183	53	18	38	124	37	199	20	111	891	228	1,171
NEFS 10	0	2	8	25	65	35	0	1	18	15	7	0	65	3	34	23	138
NEFS 11	1	2	37	6	14	77	0	0	9	26	8	0	14	0	198	173	1,697
NEFS 12	1	3	8	14	34	25	0	0	27	6	2	0	49	1	22	10	147
NEFS 13	17	60	3	3,027	7,629	25	73	43	30	104	35	106	20	101	424	75	484
NHPB	0	0	3	0	0	1	0	0	0	0	0	0	0	0	2	3	20
SHS1	5	16	21	467	1,173	146	3	1	19	81	22	37	47	14	646	337	1,523
SHS2	0	1	1	61	147	2	5	4	4	9	2	3	8	6	25	12	48
SHS3	23	85	33	4,625	11,839	875	26	16	31	375	107	85	24	108	4,144	1,383	5,192
<b>Total</b>	<b>135</b>	<b>493</b>	<b>291</b>	<b>15,070</b>	<b>38,413</b>	<b>2,483</b>	<b>208</b>	<b>169</b>	<b>344</b>	<b>1,225</b>	<b>381</b>	<b>603</b>	<b>641</b>	<b>554</b>	<b>9,975</b>	<b>3,615</b>	<b>18,642</b>

**Table 9. Total ACE Available to Sectors in Fishing Year 2016 with Finalized Carryover (1,000 lb)**

	GB Cod East	GB Cod West	GOM Cod	GB Haddock East	GB Haddock West	GOM Haddock	GB Yellowtail Flounder	SNE/MA Yellowtail Flounder	CC/GOM Yellowtail Flounder	Plaice	Witch Flounder	GB Winter Flounder	GOM Winter Flounder	SNE/MA Winter Flounder	Redfish	White Hake	Pollock
FGS	87	314	17	2,120	5,378	104	0	2	24	28	18	0	200	32	616	460	3,072
MCCS	1	3	38	14	36	157	0	3	7	210	44	0	28	4	640	462	2,363
MPB	0	1	7	15	36	60	0	0	2	30	6	0	6	0	173	126	665
NCCS	1	2	7	46	117	22	4	3	6	9	2	1	20	4	101	69	213
NEFS 1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
NEFS 2	18	64	129	3,559	9,075	981	9	7	157	266	116	43	287	48	3,324	554	5,338
NEFS 3	3	10	81	33	86	422	0	0	57	63	16	0	116	6	206	293	2,080
NEFS 4	13	46	64	1,784	4,549	458	10	11	43	252	71	9	93	18	1,469	648	2,551
NEFS 5	2	6	0	286	730	0	6	104	2	13	5	6	0	184	5	9	21
NEFS 6	9	32	20	978	2,493	214	13	24	30	109	45	20	68	26	1,175	315	1,368
NEFS 7	4	17	5	452	1,305	33	16	12	19	28	9	21	36	14	82	46	195
NEFS 8	20	73	1	2,043	5,197	4	49	24	24	61	22	282	11	124	122	41	263
NEFS 9	40	147	19	3,760	9,603	404	117	39	84	273	81	439	43	246	1,965	503	2,581
NEFS 10	1	4	17	55	144	78	0	2	40	33	15	0	144	7	74	51	305
NEFS 11	1	4	83	12	32	169	0	0	19	57	18	0	32	0	436	381	3,740
NEFS 12	1,921	6,542	18,394	31,442	75,645	55,663	2	44	59,748	13,141	4,637	6	107,777	2,821	48,198	22,522	324,037
NEFS 13	37	132	6	6,673	16,819	56	160	94	66	230	77	234	44	222	934	165	1,067
NHPB	0	0	7	0	0	2	0	0	0	1	0	0	1	0	4	6	44
SHS1	10	35	45	1,030	2,586	321	6	3	43	178	48	81	104	31	1,425	744	3,358
SHS2	877	2,988	2,140	134,337	323,197	3,931	10,278	9,344	8,549	18,755	5,026	5,978	18,678	14,306	54,846	25,561	104,898
SHS3	51	188	74	10,196	26,100	1,930	58	35	68	827	236	187	53	239	9,137	3,049	11,445
<b>Total</b>	<b>3,094</b>	<b>10,607</b>	<b>21,154</b>	<b>198,838</b>	<b>483,129</b>	<b>65,008</b>	<b>10,728</b>	<b>9,750</b>	<b>68,988</b>	<b>34,565</b>	<b>10,494</b>	<b>7,307</b>	<b>127,742</b>	<b>18,332</b>	<b>124,933</b>	<b>56,005</b>	<b>469,604</b>

Common pool enrollment also changed after March 15, 2016, and also requires adjustments to applicable catch limits. The common pool sub-ACL for each stock (except for SNE/MA winter flounder, windowpane flounder, ocean pout, Atlantic wolffish, and Atlantic halibut) is divided into trimester total allowable catches (Trimester TACs). In addition, Framework 55 specified incidental catch limits (or incidental total allowable catches, “Incidental TACs”) applicable to the common pool and groundfish Special Management Programs for the 2016 fishing year, including the B day-at-sea (DAS) Program. Because the Trimester and incidental TACs are based on the common-pool allocation, they also must be revised to match current common pool enrollment allocation. Final common pool trimester quotas and incidental catch limits are included in Tables 10-14 below.

**Table 10. Final Fishing Year 2016 Common Pool Trimester TACs**

Stock	Percentage of sub-ACL			2016 Trimester TAC (mt)		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	25	37	38	2.9	4.2	4.3
GOM Cod	27	36	37	2.4	3.2	3.3
GB Haddock	27	33	40	91.6	112.0	135.7
GOM Haddock	27	26	47	6.91	6.65	12.03
GB Yellowtail Flounder	19	30	52	0.6	0.9	1.6
SNE/MA Yellowtail Flounder	21	37	42	6.8	12.0	13.7
CC/GOM Yellowtail Flounder	35	35	30	5.1	5.1	4.3
American Plaice	24	36	40	4.8	7.2	8.0
Witch Flounder	27	31	42	2.1	2.4	3.3
GB Winter Flounder	8	24	69	0.4	1.1	3.3
GOM Winter Flounder	37	38	25	11.9	12.2	8.1
Redfish	25	31	44	13.0	16.1	22.9
White Hake	38	31	31	10.0	8.1	8.1
Pollock	28	35	37	31.6	39.5	41.7

**Table 11. Fishing Year 2016 Common Pool Incidental Catch TACs**

Stock	Percentage of Common Pool sub-ACL	Incidental Catch TAC (mt)
GB cod	2	0.229
GOM cod	1	0.09
GB yellowtail flounder	2	0.062
CC/GOM yellowtail flounder	1	0.14
American Plaice	5	1.00
Witch Flounder	5	0.39
SNE/MA winter flounder	1	0.62

**Table 12. Distribution of Common Pool Incidental Catch TACs to Each Special Management Program**

Stock	Regular B DAS Program	Closed Area I Hook Gear Haddock SAP	Eastern U.S./CA Haddock SAP	Southern Closed Area II Haddock SAP
GB cod	50%	16%	34%	NA
GOM cod	100%	NA	NA	NA
GB yellowtail flounder	50%	NA	50%	NA
CC/GOM yellowtail flounder	100%	NA	NA	NA
American Plaice	100%	NA	NA	NA
Witch Flounder	100%	NA	NA	NA
SNE/MA winter flounder	100%	NA	NA	NA

**Table 13. Fishing Year 2016 Common Pool Incidental Catch TACs for Each Special Management Program (mt)**

Stock	Regular B DAS Program	Closed Area I Hook Gear Haddock SAP	Eastern U.S./Canada Haddock SAP
GB cod	0.11	0.04	0.08
GOM cod	0.09	NA	NA
GB yellowtail flounder	0.03	NA	0.04
CC/GOM yellowtail flounder	0.14	NA	NA
American Plaice	1.00	NA	NA
Witch Flounder	0.39	NA	NA
SNE/MA winter flounder	0.62	NA	NA

**Table 14. Fishing year 2016 Common Pool Regular B DAS Program Quarterly Incidental Catch TACs (mt)**

Stock	1st Quarter (13%)	2nd Quarter (29%)	3rd Quarter (29%)	4th Quarter (29%)
GB cod	0.01	0.03	0.03	0.03
GOM cod	0.01	0.03	0.03	0.03
GB yellowtail flounder	0.004	0.009	0.009	0.009
CC/GOM yellowtail flounder	0.02	0.04	0.04	0.04
American Plaice	0.13	0.29	0.29	0.29
Witch Flounder	0.05	0.11	0.11	0.11
SNE/MA winter flounder	0.08	0.18	0.18	0.18

## Classification

The NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

This action is exempt from the procedures of E.O. 12866 because this action contains no implementing regulations.

Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause to waive prior public notice and opportunity for public comment on the catch limit and allocation adjustments because allowing time for notice and comment is impracticable, unnecessary, and contrary to the public interest.



We also find good cause to waive the 30-day delay in effectiveness pursuant to 5 U.S.C. 553(d)(3), so that this final rule may become effective upon filing.

There are several reasons that notice and comment are impracticable, unnecessary, and contrary to the public interest. First, the proposed and final rules for Framework 55 explained the need and likelihood for adjustments of sector and common pool allocations based on final sector rosters. These adjustments are routine and formulaic, required by regulation, and necessary to match allocations to sector enrollment. No comments were received on the potential for these adjustments, which provide an accurate accounting of a sector's or common pool's allocation. Furthermore, we have followed a similar process since Amendment 16 was implemented in 2010; this annual adjustment action is anticipated by industry. Second, these adjustments are based on either objective sector enrollment data or a pre-determined accountability measure and are not subject to NMFS' discretion, so there would be no benefit to allowing time for prior notice and comment. Data regarding final sector enrollment only became available after rosters were finalized in May 2016. In addition, reconciliation of final 2015 fishing year sector catch was completed in August 2016. This information allows us to determine the amount of allocation that sectors may carry over from the 2015 to the 2016 fishing year, and it was not practicable to finalize this information sooner. If this rule is not effective immediately, the sector and common pool vessels will be operating under incorrect information on the catch limits for each stock for sectors and the common pool. This could cause confusion and negative economic impacts to the both sectors and the common pool, depending on the size of the allocation, the degree of change in the allocation, and the catch rate of a particular stock.

The catch limit and allocation adjustments are not controversial and the need for them was clearly explained in the proposed and final rules for Framework 55. Adjustments for

overages are also explained in detail in the Amendment 16 proposed and final rules. As a result, Northeast multispecies permit holders are expecting these adjustments and awaiting their implementation. Fishermen may make both short- and long-term business decisions based on the catch limits in a given sector or the common pool. Any delays in adjusting these limits may cause the affected fishing entities to slow down, or speed up, their fishing activities during the interim period before this rule becomes effective. Both of these reactions could negatively affect the fishery and the businesses and communities that depend on them. Therefore, it is important to implement adjusted catch limits and allocations as soon as possible. For these reasons, we are waiving the public comment period and delay in effectiveness for this rule, pursuant to 5 U.S.C. 553(b)(3)(B) and (d), respectively.

Also, because advanced notice and the opportunity for public comment are not required for this action under the Administrative Procedure Act, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, do not apply to this rule. Therefore, no new final regulatory flexibility analysis is required and none has been prepared.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 29, 2016

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Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

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